

U.S. Application No. 10/646,806

Docket No.: YOR920000543US2

REMARKS

Claims 20-25 are pending. Each claim defines an invention that is novel and unobvious over the cited art. Favorable consideration of this case is respectfully requested.

Rejection Under 35 U.S.C. § 102(b):

Claims 20-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tanaka (5,326,672).

Rejection under 35 U.S.C. § 102 requires the prior art disclose each and every recitation of the claimed invention.¹ In determining anticipation, no claim recitation may be ignored.² Anticipation requires the disclosure, in a prior art reference, of each and every recitation as set forth in the claims.³ There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. § 102.⁴ The evidentiary record fails to teach each recitation of the present invention in view of the silence of Tanaka regarding an overcast resist image.

The present application comprises a single independent claim, Claim 20. Claim 20 recites a composite structure comprising an overcast resist image. At page 3 of the Office Action, the Examiner acknowledges that Tanaka is silent with respect to an overcast resist image. In view of Tanaka's silence, Claim 20 is distinct from, and therefore allowable over, the cited art. Claims 21-25 depend from an allowable claim, therefore are allowable.

In view of the above, consideration and allowance are respectfully solicited.

Accordingly, it is respectfully requested that the foregoing amendments be entered, that the application as so amended receive an examination on the merits, and that the claims as now presented receive an early allowance.

¹ See MPEP § 706.02.

² See *Pac-Tex, Inc. v. Amerace Corp.*, 14 USPQ2d 1871 (Fed. Cir. 1990).

³ See *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 USPQ2d 1241 (Fed. Cir. 1986).

⁴ See *Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 USPQ2d 1001 (CAFC 1991) and *Studiengesellschaft Kohle GmbH v. Dart Industries*, 220 USPQ 841 (CAFC 1984).

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In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Commissioner is hereby authorized to charge any required fees to Deposit Account No. 50-0510, under Order No. YOR920000543US2.

Date: February 17, 2005

Respectfully submitted,

By 

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